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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

XAVIER MARTINEZ, M.D.

Holder of License No. 18944
For the Practice of Allopathic Medicine in the
State of Arizona.

CASE No: MD-18-0039A

**REQUEST FOR LICENSE
INACTIVATION WITH CAUSE AND
ORDER INACTIVATING LICENSE
WITH CAUSE**

1. I, Xavier Martinez, M.D. ("Respondent"), am the holder of License No. 18944 to practice allopathic medicine in the State of Arizona.

2. I hereby request that, effective at 5:00 p.m. on the date of the following Order, the Arizona Medical Board ("Board") inactivate with cause my license to practice allopathic medicine number 14737 pursuant to A.R.S. §32-1452(F). I participated in the Board's Monitored Aftercare Program ("MAP"), currently referred to as the Physician Health Program ("PHP"), from October 9, 2008 through November 21, 2012 and no longer qualify for a confidential Board Order.

3. I will not practice medicine in Arizona or any other state, territory or district of the United States or a foreign country while my Arizona license is inactive. I may not hold or maintain a controlled substance certificate with the Drug Enforcement Administration or write or refill prescriptions as long as my license is inactive. If I practice medicine while my license is inactive I will be practicing medicine without a license and/or without being exempt from licensure, which amongst other things, is a felony.

4. I shall not request reactivation of my license to practice medicine in Arizona until I complete a long-term care residential program, an inpatient hospital treatment program, an intensive outpatient treatment program or any combination of these programs as required by A.R.S. § 32-1452(F) and subsequently complete an assessment with the

1 Board's PHP Contractor, and the Board is in receipt of the assessment findings and
2 recommendations. I understand that I may also be required to complete other evaluations
3 if deemed necessary by the Board. The Board will not reactivate my license until I
4 present evidence satisfactory to the Board, in its sole discretion, that I am medically
5 competent and mentally and physically able to safely practice medicine in the State of
6 Arizona.

7 DATED this 9th day of May, 2018.

8 
9 PHYSICIAN, M.D.

10 **FINDINGS OF FACT**

- 11 1. Respondent currently holds an active license to practice medicine in this state.
- 12 2. The Board initiated case number MD-18-0039A after receiving a self-report from
13 Respondent that he had been charged with one count of Sexual Abuse, a Class 5 felony,
14 in violation of A.R.S. § 13-1404(A).
- 15 3. The relevant Tucson Police Department report states that a female patient
16 alleged that Respondent touched her inappropriately during an examination.
- 17 4. Effective November 29, 1994, Respondent was subject to a stipulation and Order
18 with the board requiring him to utilize a female chaperone for all examinations of female
19 patients, and to undergo counseling regarding boundaries with a Board approved counsel.
20 The Stipulation was terminated on November 14, 1997.
- 21 5. In MD-07-0638, Respondent was issued a Letter of Reprimand and Probation
22 with requirements including participation in MAP effective October 9, 2008 through
23 November 21, 2012.
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1 requesting sexual favors or engaging in any other verbal conduct or physical contact of a
2 sexual nature; and (iii) Intentionally viewing a completely or partially disrobed patient in
3 the course of treatment if the viewing is not related to patient diagnosis or treatment under
4 current practice standards.”).

5 **ORDER**

6 IT IS HEREBY ORDERED THAT:

7 1. License number 18944 held by Respondent is Inactivated with Cause.

8 2. Before Respondent can request that his license be reactivated, he shall
9 successfully complete a long-term care residential program, an inpatient hospital
10 treatment program, an intensive outpatient treatment program or any combination of these
11 programs and shall meet the applicable requirements of A.R.S. §32-1431(D).

12 3. Once Respondent has completed treatment, the Board shall determine if it should
13 refer the matter for a formal hearing for the purpose of suspending or revoking the license
14 or to place Respondent on probation for a minimum of five (5) years with restrictions
15 necessary to ensure public safety.

16 DATED this 9th day of May, 2018.

17
18 ARIZONA MEDICAL BOARD

19
20 By: Patricia E. McSorley
21 Patricia E. McSorley
22 Executive Director

23 EXECUTED COPY of the foregoing mailed
24 this 9th day of May, 2018 to:

25 Xavier Martinez, M.D.
Address of Record

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Law Offices of Gary Ford Spector
1646 North Stone Ave.
Tucson, AZ. 85705
Attorney for Respondent

ORIGINAL of the foregoing filed this
9th day of May, 2018 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

Mary Bolte
Board staff